

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

QUINTUS B. CASEY,

Plaintiff,

v.

STATE OF ALABAMA, *et al.*,

Defendants.

Case No. 2:25-cv-00623-ACA-SGC

MEMORANDUM OPINION

Plaintiff Quintus B. Casey sued the State of Alabama and various other defendants for violating his constitutional rights under 42 U.S.C. § 1983. (Doc. 1). In May 2025, the magistrate judge granted Mr. Casey's motion to proceed *in forma pauperis* and ordered him to pay an initial partial filing fee of \$5.53 and return a signed prisoner consent form within thirty days. (Doc. 7). Mr. Casey then expressed confusion over why he had to pay a filing fee if the court granted his motion to proceed *in forma pauperis*, and he moved for the appointment of counsel. (Docs. 9–10). The magistrate judge responded that even though Mr. Casey was granted *in forma pauperis* status, he must still submit a check to the court in the amount of \$5.53 and ordered him to do so in thirty more days. (Doc. 11 at 2). The court warned Mr. Casey that if he failed to comply, the court could dismiss the action. (*Id.*).

By August 2025, the court had not received the initial partial filing fee. Thus, the magistrate judge entered a report recommending that the court dismiss this action without prejudice for Mr. Casey's failure to prosecute and deny his motion to appoint counsel. (Doc. 13). The report and recommendation was returned by the U.S. Postal Service as undeliverable. (Doc. 14). It appears that Mr. Casey has been released from custody but has not filed a notice of change of address. This leaves the court unable to communicate with Mr. Casey.

Because Mr. Casey has neither paid the initial partial filing fee nor filed a notice of change of address, he has failed to prosecute his case, and dismissal is warranted. Having carefully considered *de novo* all of the materials in the court file, including the magistrate judge's report and recommendation, the court **ADOPTS** the magistrate judge's report and **ACCEPTS** her recommendation. Accordingly, the court **WILL DENY** Mr. Casey's motion for appointment of counsel (doc. 9), and **WILL DISMISS** the action **WITHOUT PREJUDICE** for Mr. Casey's failure to prosecute. *See* Fed. R. Civ. P. 41(b).

The court will enter a separate final order consistent with this opinion.

DONE and **ORDERED** this September 8, 2025.



ANNEMARIE CARNEY AXON
UNITED STATES DISTRICT JUDGE